

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3508-11
Bill No.: SS for SCS for HS for HCS for HBs 1654 & 1156
Subject: Elderly; Nursing and Boarding Homes; Health Care; Health Dept.; Medical Procedures and Personnel
Type: Original
Date: May 14, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Highway Funds	\$0	\$0	\$0
Organ Donor Program	(\$37,634)	Unknown	Unknown
General Revenue*#	(Unknown less than \$6,216,437)*	(Unknown less than \$6,239,792)*	(Unknown less than \$6,245,385)*
Total Estimated Net Effect on <u>All</u> State Funds*#	(Unknown less than \$6,178,803)	(Unknown less than \$6,239,792)	(Unknown less than \$6,245,385)

* Savings could exceed \$100,000 annually and netted against costs.

Advisory Councils' expense reimbursement Subject to Appropriations.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Federal Funds	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)
Total Estimated Net Effect on <u>All</u> Federal Funds**	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)

** Revenues, Savings and Costs exceed \$460,000 annually and net to \$0. Excludes lost federal grants.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	(Unknown exceeding \$100,000)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 15 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Treasurer, Office of Administration (COA) - Division of Information Services, Department of Economic Development, Coordinating Board for Higher Education, Missouri Senate, Office of State Courts Administrator, Department of Insurance, Missouri Department of Conservation, Department of Mental Health, Missouri Health Facilities Review Committee, Missouri House of Representatives, Office of Lieutenant Governor, Department of Labor and Industrial Relations, and Department of Elementary and Secondary Education** assume the proposed legislation will not fiscally impact their organizations.

Officials from the **Department of Health and Senior Services** assume any costs associated with the proposed legislation can be absorbed with existing resources.

Officials from the **Department of Highways and Transportation (DHT)** also responded on behalf of the **Missouri Highway Patrol's** Medical Plan. The DHT officials assume the proposed legislation has no fiscal impact to the MHTC or the Highway & Patrol Medical Plan.

Officials from the **Department of Social Services (DOS) - Division of Medical Services (DMS)** provided the following assumptions related to the proposed legislation:

Section 198.074 - Immunizations in LTC Facilities:

The DMS is assuming that the costs of the immunization requirements will be covered through the Medicaid pharmacy program and not included the nursing facility per diem rate. We are also assuming that some residents 65 years of age or older are already receiving the immunizations through their physician. We have no way of determining the number of residents that would be affected by the new legislation as some already receive these services. Medicare Part B covers both immunizations. All calculations were figured assuming all residents 65 years of age or older without Medicare Part B coverage would be affected.

During FY 01, there were 34,024 of Medicaid nursing home residents 65 years of age or older. 92.3% of Medicaid nursing home residents 65 years of age or older have Medicare Part B coverage, or 7.7% do not.

According to the Pharmacy Unit within DMS, the price of the immunization for influenza is a flat rate of \$5.13 no matter what brand is given. The price of the immunization for pneumonia is an average of the wholesale price and is, therefore, effected by the brand given; however, \$21.00 is the average rate.

The projected cost for FY03 is \$68,457; FY04 is \$71,195; and FY05 is \$74,043. A federal match rate of 61.23% is used each year.

ASSUMPTION (continued)

Calculation:

Number of Medicaid residents 65 year of age or older - FY 01	34,024
Percent without Medicare Part B coverage	<u>7.70%</u>
Number of Medicaid residents which Medicaid Pharmacy program would cover immunizations.	2,620

Influenza immunization cost	\$5.13
Pneumonia immunization cost	<u>\$21.00</u>
Total immunization cost per unit	\$26.13

Annual cost for FY 03	\$68,457
Annual cost for FY 04 (trended 4%)	\$71,195
Annual cost for FY 05 (trended 4%)	\$74,043

FY 04 and 05 were trended forward by 4% because the cost of the pneumonia immunization is based on the average wholesale cost and would increase accordingly (4% is the normal trend used by DMS for Medicaid costs).

Section 1 - Division of Assets for RCF Residents:

The proposed legislation will have a fiscal impact on the DMS. More individuals will be Medicaid eligible if the division of assets is applied to persons living in a RCF.

The Division of Family Services estimates there are 64 individuals who would become Medicaid eligible with the passage of this legislation. This includes 3 individuals who would live in a skilled nursing facility. It should be noted, the proposed legislation does not include Intermediate Care Facilities (ICF) and Skilled Nursing Facilities (SNF); however, they are part of the Supplemental Nursing Care program. Cost for residents living in a SNF are included in the fiscal impact. The costs are shown separately.

The cost per eligible is \$656.40/month. The average is based on the last three months of actual expenditures - hospital, dental, physician services, personal care and rehabilitation & specialty services. (The RCF resident is not eligible for all home and community services - only personal care.) RCF residents - 17 RCF I and 44 RCF II = 61 eligibles x \$656.40 = \$40,040.40 per month.

SNF residents - 3 x \$656.40 = \$1,969.20 per month.

A 4% inflation factor was applied to both FY 04 and FY 05.

ASSUMPTION (continued)

FY 03:

RCF residents - \$40,040.40 x 10 months =	\$400,404
SNF residents - \$1,969.20 x 10 months =	<u>\$19,692</u>
Total	\$420,096

FY 04:

RCF residents - \$41,642.02 x 12 months =	\$499,704
SNF residents - \$2,047.97 x 12 months =	<u>\$24,576</u>
Total	\$524,280

FY 05:

RCF residents - \$43,307.70 x 12 months =	\$519,692
SNF residents - \$2,129.89 x 12 months =	<u>\$25,559</u>
Total	\$545,251

Due to the division of assets for married couples proposed in the legislation, individuals are provided the opportunity to enter an RCF I/II facility over and ICF/SNF nursing facility. We estimate that between 10% and 35% will choose RCF over a nursing facility resulting in a cost avoidance.

63 x 10% = 6.3 individuals or 6

63 x 35% = 22.05 individuals or 22

Medicaid nursing facility costs approximately \$29,768 per individual per year.

Medicaid services (hospital, pharmacy, physician, personal care, rehabilitation services) - \$7,877/year. Total cost/eligible \$37,645 4% inflation added for each year - FY 04 and FY 05.

FY 03:

10% cost avoidance

SNF/ICF residents to RCF residents - $(\$37,645 \times 6) \times 10/12 = \$188,225$

\$72,975 - GR (38.77%)

\$115,250 - FF (61.23%)

ASSUMPTION (continued)

35% cost avoidance

SNF/ICF residents to RCF residents - $(\$37,645/\text{yr} \times 22) \times 10/12 = \$690,158$

\$267,574 - GR (38.77%)

\$422,584 - FF (61.23%)

FY 04:

10% cost avoidance

SNF/ICF residents to RCF residents $(\$37,645/\text{yr} \times 6) = \$225,870 \times 104\% = \$234,905$

\$91,073 - GR (38.77%)

\$143,832 - FF (61.23%)

35% cost avoidance

SNF/ICF residents to RCF residents - $(\$37,645/\text{yr} \times 22) = \$828,190 \times 104\% = \$861,318$

\$333,933 - GR(38.77%)

\$527,385 - FF (61.23%)

FY 05:

10% cost avoidance

SNF/ICF residents to RCF residents $(\$37,645/\text{yr} \times 6) = \$225,870 \times 104\% \times 104\% = \$244,301$

\$94,715 - GR(38.77%)

\$149,586 - FF(61.23%)

35% cost avoidance

SNF/ICF residents to RCF residents - $(\$37,645/\text{yr} \times 22) = \$828,190 \times 104\% \times 104\% = \$895,771$

\$347,291 - GR(38.77%)

\$548,480 - FF(61.23%)

ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR)** provided the following assumptions related to the proposed legislation:

ADMINISTRATIVE IMPACT

Division of Motor Vehicle and Drivers Licensing

Information Technology Bureau

This legislation will require program modifications to be made to the overt-the-counter (OTC) driver licensing system in order to modify edits, verification sheet, and create a new screen.

This legislation will also require the Missouri Transportation Accounting System to be modified in order to collect the \$1.00 donation on motor vehicle registrations. A total of 347 overtime hours will be needed to modify the MTAS system.

FY03

347	Overtime Hours to Modify the MTAS System
<u>x \$22</u>	Hourly Rate
\$7,634	MTAS Programming

To implement this legislation, the DOR will require additional funds. In the past, the programs included in this legislation have been paid for with highway funds. This year, however, highway funds may not be available for this purpose as a result of legislation enacted by the General Assembly in 2000 that limits the use of highway funds.

If highway funds are not available, then another source of funding must be identified to pay for the cost of implementing this legislation.

REVENUE IMPACT

Organ Donor Program Fund

The impact to this fund is UNKNOWN as the Division of Motor Vehicles and Driver Licensing does not currently collect donations on the motor vehicle application process.

ASSUMPTION (continued)

Officials from the **Office of Attorney General (AGO)** stated the proposed legislation eliminates the AGO's jurisdiction to prosecute medicaid fraud cases under section 191.910. Current law, enacted in 1994, qualifies the state for approximately \$2,000,000 per year in federal grants. The proposed legislation eliminating the AGO's authority would cut off these federal funds.

The medicaid fraud unit, funded by the federal grants, has recovered approximately \$8,000,000 in civil penalties for the state over the last 18 months. The AGO, therefore, assumes that in addition to the loss of oversight and service to the state, this proposal would cost the state \$4,000,000 to \$6,000,000 per year in foregone civil penalties, and approximately \$2,000,000 per year in foregone federal grants.

Oversight assumes that with the repeal of Section 191.910, local prosecuting attorneys may incur additional costs if they decide to prosecute cases the AGO's office can no longer prosecute. However, local prosecuting attorneys may decide not to prosecute these cases. Therefore, **Oversight** assumes the additional fiscal impact of the repeal of Section 191.910 to be \$0 for fiscal note purposes since there is no way to determine whether or not local prosecuting attorneys will pick up any additional cases..

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated the MHP assumes most investigations would be handled by the local law enforcement and no fiscal impact is anticipated.

The Patrol's Criminal Records and Identification Division is currently conducting background searches for employment purposes, thus the impact would be minimal.

Officials from the **Office of State Public Defender (SPD)** stated for the purpose of the proposed legislation, the SPD has assumed that existing staff could provide representation for those cases arising where indigent persons were charged with failure to report elder abuse, or abusing or neglecting a resident of a facility or abusing or neglecting an eligible adult not residing in a facility, or failing to disclose criminal history on an application to work in an elder facility or making a false report of elder abuse or neglect or discloses the time of an unannounced inspection to any person not involved in inspection or has sexual contact with a resident. The SPD further assumes that existing staff could provide representation for indigent persons charged with having sexual contact with a resident or client of a facility. In FY 01, the SPD provided representation in 18 elder abuse cases. Passage of more than one similar bill would require the SPD system to request increased appropriations to cover cumulative costs of representing the indigent accused of the additional crimes proposed in the legislation.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** assume the proposed legislation would result in "costs exceeding \$100,000" based on previous statements provided by the **Cole County Prosecuting Attorney's Office (CCPAO)** to similar legislation.

In response to similar pieces of legislation, the CCPAO stated that a complete re-write of the existing laws in this subject area would be necessary. The proposal affects the stealing, assault, and abuse statutes. This will require the local prosecuting attorney offices to re-write forms and instructions related to elder abuse. This will also require an update to the computer network being installed in the prosecutors offices statewide. Although the CCPAO could not give a precise estimate of these costs, the costs are expected to exceed \$100,000 in the first year alone.

Officials from the **Department of Corrections (DOC)** did not respond to our request for a statement of fiscal impact. However, in response to similar legislation proposed this session, DOC officials stated that they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender). Supervision by the DOC through probation or incarceration would result in additional unknown costs to the DOC. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **Office of the Secretary of State (SOS)** state this bill enacts and modifies various provisions regarding protection of the elderly. The Department of Health and Senior Services and the Division of Medical Services will promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Health and Senior Services and Division of Medical Services could require as many as 92 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$5,658 [(92 pp x \$27) + (138 pp x \$23)].

ASSUMPTION (continued)

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of Administration - Division of Budget and Planning, Missouri Consolidated Health Care Plan, University of Missouri** and **Office of the Governor** did not respond to our request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
HIGHWAY FUNDS			
<u>Transfer-In</u>			
Transfer from Organ Donor Program Fund for Development and Implementation Costs	\$7,634	\$0	\$0
<u>Costs - Department of Revenue</u>			
Personal Service Costs - Overtime	(\$7,634)	<u>\$0</u>	<u>\$0</u>
Total <u>Costs</u> - Department of Revenue	<u>(\$7,634)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ORGAN DONOR PROGRAM FUND			
Donations to Organ Donor Program Fund	\$0	Unknown	Unknown
<u>Transfer-Out</u>			
Transfer to Highway Fund for DOR development and implementation costs	<u>(\$7,634)</u>	<u>\$0</u>	<u>\$0</u>
NET ESTIMATED EFFECT ON ORGAN DONOR PROGRAM FUND	<u>(\$7,634)</u>	<u>Unknown</u>	<u>Unknown</u>

GENERAL REVENUE

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<u>Savings - Department of Social Services</u>			
Division of Assets for RCF Residents	<u>\$72,975 to</u> <u>\$267,574</u>	<u>\$91,073 to</u> <u>\$333,933</u>	<u>\$94,715 to</u> <u>\$347,291</u>
Total <u>Savings</u> - Department of Social Services	<u>\$72,975 to</u> <u>\$267,574</u>	<u>\$91,073 to</u> <u>\$333,933</u>	<u>\$94,715 to</u> <u>\$347,291</u>
<u>Loss - Office of Attorney General</u>			
Lost Civil Penalties	<u>(\$4,000,000 to</u> <u>\$6,000,000)</u>	<u>(\$4,000,000 to</u> <u>\$6,000,000)</u>	<u>(\$4,000,000 to</u> <u>\$6,000,000)</u>
Total <u>Loss</u> - Office of Attorney General	<u>(\$4,000,000 to</u> <u>\$6,000,000)</u>	<u>(\$4,000,000 to</u> <u>\$6,000,000)</u>	<u>(\$4,000,000 to</u> <u>\$6,000,000)</u>
<u>Costs - Department of Corrections</u>			
Additional commitments and parole	<u>(Unknown less</u> <u>than \$100,000)</u>	<u>(Unknown less</u> <u>than \$100,000)</u>	<u>(Unknown less</u> <u>than \$100,000)</u>
Total <u>Costs</u> - Department of Corrections	<u>(Unknown less</u> <u>than \$100,000)</u>	<u>(Unknown less</u> <u>than \$100,000)</u>	<u>(Unknown less</u> <u>than \$100,000)</u>
<u>Costs - Department of Social Services</u>			
Immunizations in LTC Facilities	<u>(Unknown less</u> <u>than \$26,541)</u>	<u>(Unknown less</u> <u>than \$27,602)</u>	<u>(Unknown less</u> <u>than \$28,706)</u>
Division of Assets for RCF Residents	<u>(\$162,871)</u>	<u>(\$203,263)</u>	<u>(\$211,394)</u>
Total <u>Costs</u> - Department of Social Services	<u>(Unknown less</u> <u>than \$189,412)</u>	<u>(Unknown less</u> <u>than \$230,865)</u>	<u>(Unknown less</u> <u>than \$240,100)</u>
ESTIMATE NET EFFECT ON GENERAL REVENUE FUND*	<u>(Unknown less</u> <u>than</u> <u>\$6,216,437)</u>	<u>(Unknown less</u> <u>than</u> <u>\$6,239,792)</u>	<u>(Unknown less</u> <u>than</u> <u>\$6,425,385)</u>

* Savings could exceed \$100,000 annually and netted against costs.
 # Advisory Councils' expense reimbursement Subject to Appropriations.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
FEDERAL FUNDS			
<u>Income - Department of Social Services</u>			
Medicaid Reimbursement -	Unknown less	Unknown less	Unknown less
Immunizations in LTC Facilities	than \$41,916	than \$43,593	than \$45,337
Medicaid Reimbursements - Division of			
Assets for RCF Residents	<u>\$257,225</u>	<u>\$321,017</u>	<u>\$333,857</u>
Total <u>Income</u> - Department of Social	<u>Unknown less</u>	<u>Unknown less</u>	<u>Unknown less</u>
Services	<u>than \$299,141</u>	<u>than \$364,610</u>	<u>than \$379,194</u>
<u>Cost Savings - Department of Social</u>			
<u>Services</u>			
Reduced Medicaid Costs for Division	<u>\$115,250 to</u>	<u>\$143,832 to</u>	<u>\$149,586 to</u>
of Assets for RCF Residents	<u>\$422,584</u>	<u>\$527,385</u>	<u>\$548,480</u>
Total <u>Cost Savings</u> - Department of	<u>\$115,250 to</u>	<u>\$143,832 to</u>	<u>\$149,586 to</u>
Social Services	<u>\$422,584</u>	<u>\$527,385</u>	<u>\$548,480</u>
<u>Costs - Department of Social Services</u>			
Medicaid Reimbursement -	(Unknown less	(Unknown less	(Unknown less
Immunizations in LTC Facilities	than \$41,916)	than \$43,593)	than \$45,337)
Medicaid Reimbursements - Division of			
Assets for RCF Residents	<u>(\$257,225)</u>	<u>(\$321,017)</u>	<u>(\$333,857)</u>
Total <u>Costs</u> - Department of Social	<u>(Unknown less</u>	<u>(Unknown less</u>	<u>(Unknown less</u>
Services	<u>than \$299,141)</u>	<u>than \$364,610)</u>	<u>than \$379,194)</u>
<u>Loss - Department of Social Services</u>			
Loss in Federal Match for Reduced	<u>(\$115,250 to</u>	<u>(\$143,832 to</u>	<u>(\$149,586 to</u>
Costs - Division of Assets for RCF	<u>\$422,584)</u>	<u>\$527,385)</u>	<u>\$548,480)</u>
Residents			
Total <u>Loss</u> - Department of Social	<u>(\$115,250 to</u>	<u>(\$143,832 to</u>	<u>(\$149,586 to</u>
Services	<u>\$422,584)</u>	<u>\$527,385)</u>	<u>\$548,480)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
---	---------------------	---------	---------

FEDERAL FUNDS (continued)

<u>Loss - Office of Attorney General</u>			
Lost Federal Grants	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>

Total <u>Loss</u> - Office of Attorney General	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>
--	----------------------	----------------------	----------------------

ESTIMATED NET EFFECT ON FEDERAL FUNDS**	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>	<u>(\$2,000,000)</u>
--	-----------------------------	-----------------------------	-----------------------------

**** Revenues, Savings and Costs exceed \$460,000 annually and net to \$0. Excludes lost federal grants.**

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
---	---------------------	---------	---------

LOCAL GOVERNMENT FUNDS

<u>Costs - Prosecuting Attorneys</u>			
Upgrades to Computer Systems, Forms and Instruction Changes	Exceeds <u>(\$100,000)</u>	\$0	\$0

ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS	Exceeds <u>(\$100,000)</u>	<u>\$0</u>	<u>\$0</u>
---	---------------------------------------	-------------------	-------------------

FISCAL IMPACT - Small Business

The proposed legislation could have an indeterminate negative economic impact on small businesses.

DESCRIPTION

This substitute, with amendments, modifies the law relating to protection of the elderly. In its major provisions, the substitute:

- (1) Creates a new chapter on protection of the elderly and transfers several existing statutory sections to this chapter;
- (2) Expands the list of persons required to report suspected elder abuse to the Department of Health and Senior Services and mandates that suspected abuse be reported within 24 hours;
- (3) Requires reports of suspected elder abuse to be referred to the appropriate law enforcement agency. The department is also required to investigate immediately any report of elder

DESCRIPTION

abuse or neglect that involves a threat of imminent harm; (4) Requires the department and law enforcement agencies to cross-train personnel in investigating cases of suspected elder abuse; (5) Requires the Department of Health and Senior Services and the Department of Mental Health to cooperate in abuse and neglect investigations; (6) Creates civil penalties for home health agencies; (7) The substitute also allows the department to deny licensure or renewal based on a review of the facility's compliance history and the owner or operator's compliance history; (8) Authorizes the department, when confronted with violations or deficiencies related to staffing, to implement corrective actions such as staffing ratios, training plans, or plans related to staff supervision; (9) Requires notice of noncompliance of a licensed facility to be given to the Attorney General; (10) Requires facilities to meet or exceed federal requirements concerning the posting of deficiencies; (11) Allows for revocation of a facility's license when the operator has been cited for failure to comply with a class I standard two times in 24 months or for failure to comply with a class II or III standard two times in 12 months; (12) An individual may be accepted for residency in a residential care facility I or II or remain in residence if the facility provides appropriate services, has appropriate staff, has a written plan, approved by the local fire department, for the protection of all residents in the event of disasters, has a written verification signed by the resident stating how the facility will meet the needs of the resident, and is staffed twenty-four hours a day by the appropriate number and type of personnel for the proper care of residents; (13) Individuals with dementia who require assistance in order to evacuate in the event of a disaster count as three residents; (14) The departments of health and senior services, social services, mental health, and elementary and secondary education shall work together to compare and evaluate their assessment procedures for individuals receiving long-term care services; (15) Requires nursing assistants employed by a skilled nursing facility or intermediate care facility to complete training within six months of being hired; (16) Adds freedom from neglect to the list of rights of long-term care facility residents and extends the time for filing a complaint for violations of a resident's right from 180 days to two years from the date of the alleged deprivation or injury; (17) Makes it a class A misdemeanor for a department employee to knowingly disclose the time of an unannounced inspection of a facility licensed by the department and requires the department to terminate his or her employment; (18) Creates a hearsay exception for elderly and disabled persons in certain cases; (19) Makes it a class B misdemeanor for an owner or employee of a skilled nursing facility or an Alzheimer's special unit to have sexual contact with a resident of the facility or with a client in his or her care. Second or subsequent violations are class A misdemeanors. In addition, sexual intercourse or deviant sexual intercourse in these cases is a class D felony. Second or subsequent violations are class C felonies. An employee who is married to a resident or client and engages in this activity with his or her spouse is exempt from prosecution. Consent of the victim is no defense to prosecution; (20) Prohibits persons from claiming any legal privilege as a defense for failing to report suspected elder abuse, except that the attorney-client privilege may still be claimed; (21) Requires the department to provide certain information and certain links regarding long-term care facilities and facility

DESCRIPTION (continued)

surveys on its web site; (22) Requires the department to create and make available through the department's Internet web site information that provides a listing of all public and private organizations in the state that provide services to the elderly; (23) Mandates the inclusion of certain access and training requirements in all Medicaid participation agreements with in-home services providers and long-term care facilities; (24) Allows investigation reports to be made available without a court order to certain persons; (25) Clarifies when the department can seek an injunction in connection with an investigation; (26) Certain health maintenance organizations acting as programs for all-inclusive care for the elderly (PACE) projects would be allowed to be exempt from the certificate of authority requirement. This exemption would apply only business conducted under terms of the approved PACE contract; (27) Certain care facilities to provide immunizations for influenza and pneumonia to their residents 65 years of age or older. A new Section 198.074 is created to require long term care facilities, adult day care facilities, and assisted living facilities to provide such immunizations annually or upon admission. The Department must develop rules for documenting compliance, including the documentation of residents who refuse the immunization. The Department may not impose a violation on a facility for not making an immunization available if a shortage exists; (28) A facility subject to the provisions of this legislation shall not discharge, demote, threaten, or otherwise discriminate against any individual or employee because such individual or employee provided or attempted to provide information to the division of medical services regarding possible violations of the legislation; (29) Department of Health and Senior Services advisory council expenditures reimbursed, subject to appropriations; (30) Creates the Missouri Commission on Prevention and Management of Obesity within the Department of Health and Senior Services; (31) Modifies the law relating to organ donation and procurement; and (32) Allows applicants for vehicle registration to make a one dollar donation to promote an organ donor program.

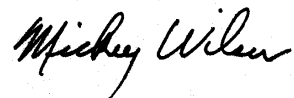
This act contains an emergency clause relating only to the creation of the Missouri Commission on Prevention and Management of Obesity and its functions and responsibilities.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Coordinating Board for Higher Education
Office of State Courts Administrator
Department of Economic Development
Department of Elementary and Secondary Education
Department of Highways and Transportation
Department of Mental Health
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Department of Insurance
Missouri Department of Conservation
Missouri Health Facilities Review Committee
Department of Public Safety - Missouri Highway Patrol
Missouri House of Representatives
Missouri Senate
Office of Secretary of State
Office of State Public Defender
Office of State Treasurer
Office of Lieutenant Governor
Office of Administration - Division of Information Services
Office of Prosecution Services

NOT RESPONDING: Department of Corrections, Office of Administration - Division of Budget and Planning, Office of the Governor, Missouri Consolidated Health Care Plan and University of Missouri



Mickey Wilson, CPA
Acting Director
May 14, 2002